

### REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 12-25 have been cancelled in favor of new claims 26-37. Support for the subject matter of the new claims is provided in cancelled claims 12-25.

Claims 12-25 were rejected, under 35 USC §102(b), as being anticipated by St-Pierre (US 5,883,888). To the extent the rejections may be deemed applicable to new claims 26-37, the Applicants respectfully traverse.

Claim 26 recites communicating, from a communication terminal to a base station, a packet identifier identifying a next packet within a sequence of packets, stored by the base station, to be communicated by the base station. St-Pierre fails to disclose this feature.

By contrast to the claimed feature, St-Pierre discloses, in Fig. 2, a "make before you break" handoff procedure, performed within a CDMA system (St-Pierre abstract, lines 1-3). According to this procedure, duplicate downlink information is generated and routed through two base stations for delivery to a mobile station (col. 5, lines 55-57). The mobile station receives the two downlink signals and compares a sequence number of a frame received in one signal with that received in the other signal

(col. 5, lines 57-61, and col. 5, line 67, through col. 6, line 2). If the frame sequence numbers match, the mobile station may diversity-combine the received signals for improved reception of the frame information (col. 6, lines 24-31). Otherwise, the mobile station sends a timing adjustment message requesting the base stations to make appropriate timing modifications (col. 6, lines 2-7). Subsequently, the base stations adjust their synchronization such that the duplicate information re-transmitted by each base station may be synchronously received by the mobile station and diversity combining may be achieved (col. 6, lines 10-13).

In an alternative procedure illustrated in Fig. 4, St-Pierre discloses that a mobile station buffers a signal received from a first base station while waiting for a second base station to re-transmit a duplicate of the signal communicated by the first base station using a modified timing offset (col. 7, lines 23-29 and 35-38). Once the timing offset is corrected so that the re-transmitted signal is synchronized with the buffered signal, as determined by matching sequence numbers received in the buffered and re-transmitted signals, the mobile station diversity combines and decodes the received signals (col. 7, lines 29-35).

As may be determined from St-Pierre's disclosure, provided above, St-Pierre does not disclose the claimed feature of

communicating, from a communication terminal to a base station, a packet identifier identifying a next packet within a sequence of packets, stored by the base station, to be communicated by the base station. Instead, St-Pierre discloses that a communication terminal communicates a timing adjustment request to one or both of the base stations communicating with the communication terminal. Upon making the timing adjustment, one or both base stations retransmit the most recently communicated signal.

In brief, St-Pierre discloses re-transmitting the last transmitted signal in response to a re-transmission request, but does not disclose the claimed feature of transmitting a packet identified in a received packet request message. The claimed feature makes it possible for a communication terminal to request a specific subset of a sequence of packets from a first base station and the remaining packets from a second base station without either base station having to communicate packets communicated by the other. St-Pierre's communication terminal cannot request one base station to communicate a specific packet that is not communicated by another base station because the communication terminal does not communicate a packet identifier to either base station and neither base station knows which of the identical packets stored by the two base stations have been transmitted by the other base station.

Accordingly, the Applicants submit that St-Pierre does not anticipate the subject matter defined by claim 26. Independent claims 31, 32, and 34 similarly recite the above-described feature distinguishing apparatus claim 26 from St-Pierre, though claim 34 does so with respect to a method. Therefore, allowance of claims 26, 31, 32, and 34 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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